

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Eric C. Steindorf)	Examiner: Nihir B. Patel
)	
Serial No: 10/743,260)	Art Unit: 3743
)	
Filed: December 22, 2003)	Deposit Acct. No: 04-1403
)	
Confirmation No: 4463)	Customer No: 22827

Title: FACE MASK HAVING BAFFLE LAYER FOR IMPROVED FLUID RESISTANCE

CERTIFICATE OF ELECTRONIC SUBMISSION

I hereby certify that this paper and all attachments and any fee are being transmitted via the internet to the U.S. Patent and Trademark Office via the Electronic Filing System on March 5, 2009.

Denise R. Ginn

(Typed or printed name of person transmitting paper or fee)

Denise R. Ginn

(Signature of person transmitting paper or fee)

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RESPONSE TO NOTICE OF ABANDONMENT

MAIL STOP AMENDMENT
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Since abandonment of the subject application resulted from Office error, applicant hereby respectfully requests reinstatement of the above-identified patent application.

Applicant received a Decision on Appeal dated November 13, 2008, for which a response or reconsideration request was due on January 13, 2009.

On January 9, 2009, four (4) full days before the due date for a response or request for reconsideration expired, applicant electronically filed its Request for Continued Examination (RCE) and Preliminary Amendment. Copies of the Request for Continued Examination (RCE and Preliminary Amendment and the USPTO's Electronic Acknowledgment Receipt are attached. Thereafter, on January 9, 2009, applicant's attorney received via regular mail from the Patent Office, a Notice of Abandonment dated January 6, 2009, abandoning the application and noting the reason for

abandonment as "The Decision by the Board of Patent Appeals and Interference rendered on 11/13/2008 and because the period for seeking court review of the decision has expired and there are no allowed claims."

Applicant respectfully requests that the Patent Office rescind the Notice of Abandonment issued on January 6, 2009, and reinstate the above-identified application.


In a telephone conference between Supervisory Patent Examiner Bianco and the undersigned on January 28, 2009, the undersigned was informed that the abandonment posted on the website was in the process of being withdrawn by tech support, but tech support was experiencing a backlog, and the withdrawal should be posted in PAIR in about a month. Since the withdrawal has not been posted in PAIR, this paper is being filed out of an abundance of caution.

Applicant believes that no fee or extension of time is required because the Notice of Abandonment was issued through no fault or inaction of the applicant.

Respectfully submitted,

DORITY & MANNING, P.A.

DATED: 5 March 2009


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